IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 1289 of 1995

Between:

V.Govinda Rajulu S/o.Rangaiah,
H.No.10-5-294 Tukaram gate, North Lalaguda,
Secunderabad

..... PETITIONER

AND

1 The Chief Security Commissioner, R.P.F., Hyderabad Division
Secunderabad.
2 The Dist. Security Commissioner, R.P.F., Hyderabad Division,
South Central Railway, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ order or direction especially one in the nature of writ of Mandamus to declare the order of the 2nd respondent as confirmed by the 1st respondent in his proceedings No.X/P.227/Appeal/93-27, dt.4/2/1994 as illegal, void, arbitrary, ulravires and consequently to direct the respondents to reinstate the petitioner into service with back wages and with all other attendant benefits and pass

Counsel for the Petitioner:MR.K.V.BHANU PRASAD

Counsel for the Respondent No.: MR.GOURI SHANKAR SANGHI

The Court made the following:

ORAL ORDER:

The Writ Petition is filed challenging the order passed by the 2nd respondent dated 26.4.1993 removing the petitioner from service as confirmed by the 1st respondent in proceedings No.X/P.227/Appeal/93-27, dated 4.2.1994.

2. The petitioner was working as Head Constable in South Central Railway and he was charge sheeted vide charge memo dated 17.11.1992 for the following charges:

1. While detailed for duty at GS/MFT/F station from 20.00 hrs. of 20.10.92 to 08.00 hrs of 21.10.92 left his duty point at 20.45 hrs. on 20.10.92 informing H.C/F.P. Dass for tea, but did not return back for duty even at 21.15 hrs. for which later made an entry in the diary and informed to Sri R.N.Waldawarm, SIPF/MFT through constable/F.R.Y. Doddannawar.

2. Later on he was found in unlawful possession of tools belonging to the workers of S&T/WS/SIPF/S&T/WS/MFT at about 22.30 hrs on 20.10.92 for which a case was registered against him in Cr.No.5/92 U/s.3(a) of RP (UP) Act.

Thereafter an enquiry was conducted and the Enquiry Officer found the petitioner is guilty of the charges and accordingly, on consideration of the Enquiry Officer's Report and taking into consideration the explanation submitted by the petitioner, an order was passed on 26.4.1993 removing the petitioner from service. Against the said order, the petitioner filed an appeal and revision unsuccessfully. Therefore, he filed the present Writ Petition.

3. The learned counsel for the petitioner submits that the order of punishment is illegal and without jurisdiction. He submits that as no proper opportunity was given to the petitioner, the order is liable to be set aside.

4. On the other hand the learned Standing Counsel for Railways submits that the domestic enquiry was conducted and after giving sufficient opportunity to represent his case, the order was passed against the petitioner and therefore there is no scope for alleging violation of principles of natural justice.

5. I have heard the learned counsel for the parties at length and perused the order under challenge.

6. After the charges were framed, the petitioner was given ample opportunity to defend his case and ultimately accepting the said report by the disciplinary authority, the punishment was imposed. I do not find any infirmity in the order passed by the disciplinary authority as also the orders of the appellate and revisional authority. Thus, I do not find any illegality in the proceedings of the respondents. The Writ Petition is devoid of merits.

7. In the result, the Writ Petition is dismissed. No costs.

08-10-2004

SSR

To

The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).

Copies to:

1 The Chief Security Commissioner, R.P.F., Hyderabad Division Secunderabad.
2 The Dist. Security Commissioner, R.P.F., Hyderabad Division, South Central Railway, Secunderabad.

3 2 CD copies.